

REMARKS

Upon entry of the instant amendment, claims 62 and 64-92 will remain pending in the present application. In the instant amendment, claim 63 has been cancelled without prejudice or disclaimer of the subject matter contained therein.

Claim 62 has been amended by incorporating the features of claim 63 and "a customer-id" from claim 65. Further, claims 62, 65, 75, 76, 77, 79 and 89 have been amended to correct formalities, etc, as explained below. The instant amendment made herein to the claims does not incorporate new matter into the application as originally filed.

Accordingly, proper consideration of each of the pending claims is respectfully requested at present, as is entry of the present amendment.

Claim Objections

At page 3 of the outstanding Office Action, claims 64-67, 77-79, 81 and 89 have been objected to because of informalities. Applicants respectfully traverse.

Claims 64-66 and 77

Claim 62, on which claims 64-66 depend, has been amended to recite "one or more limited access area(s)." Thus, upon entry of the current amendment, each of the objections to claims 64-66 has been overcome.

Similarly, since claim 76 has been amended to recite "one or more limited access area(s)" and claim 77 has been amended to depend from 76 instead of claim 75, the objection to claim 77 has been overcome.

Claims 67 and 79

Claim 62, on which claim 67 depend, has been amended to recite “a transaction log.” Thus, upon entry of the current amendment, the objection to claim 67 has been overcome.

Claim 79 has been amended to depend on claim 78, which recites “a transaction log.” Thus, upon entry of the current amendment, the objection to claim 79 has been overcome.

Claims 78 and 81

It is stated in the Office Action that claims 78 and 81 cite “the first storage means” which implies a plurality of stage means when only a singly storage means is recited in claim 75 on which they depend (see paragraph “9.” of the Office Action).

Claim 75 has been amended to recite “a first storage means.” As such, the objection is addressed and overcome.

Claim 89

Claim 89 has been amended to read “~~the~~ an evidence storage means[.]” (emphases added) in accordance with the Examiner’s comments in the Office Action. Thus, upon entry of the current amendment, the objection to claim 89 has been overcome.

Based on the foregoing explanations, Applicants respectfully request that the objections be withdrawn.

Rejections under 35 U.S.C. §112, First Paragraph and under 35 U.S.C. §101

Claims 90-92 have been rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. (See paragraph "12." of the Office Action.)

Further, Claims 90-92 have been rejected under 35 U.S.C. §101 as directed to non-statutory subject matter of software, *per se*. (Also, it is stated in the Office Action that a "computer program product" is lacking definition in the specification and thus under the broadest reasonable interpretation comprises software) (See paragraph "14." of the Office Action.)

Applicants traverse these rejections and respectfully request reconsideration and withdrawal thereof.

First, "a computer program product" is disclosed in the specification in such a way as to reasonably enable one skilled in the art to make and use the claimed invention. (See, for example, page 11, lines 8-32 thereof.) Thus, the written description requirement is complied in connection with claims 90-92.

In addition, one skilled in the art would understand a computer program product to be software in association with the storage means upon which the software is contained. As such, claims 90-92 meet the requirements of 35 U.S.C. §101.

Withdrawal of the rejection is, therefore, respectfully requested.

Claim Rejections under 35 USC § 103

Claims 62, 66, 68-71, 73-75, 83-85 and 87-90 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldman U.S. '708 (U.S. Patent No. 4,398,708) in view of Keesee U.S. '620 (U.S. Patent No. 5,282,620). (See paragraph "16." of the Office Action.)

Further, claims 63-64 and 76-77 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldman U.S. '708 in view of Keesee U.S. '620 and Muir WO '104 (WO 98/40140). (See paragraph "17." of the Office Action.)

Finally, claims 65, 67, 78-82 and 91-92 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldman U.S. '708 in view of Keesee U.S. '620 and Szrek U.S. '251 (U.S. Patent No. 6,447,251). (See paragraph "18." of the Office Action.)

Applicants respectfully traverse and request that the Examiner withdraw the rejections.

Legal Standard for Determining Prima Facie Obviousness

In determining obviousness, first, the Examiner has to take into account the factual inquiries set forth in *Graham v. John Deere*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), which has provided the controlling framework for an obviousness analysis. The four *Graham* factors of: determining the scope and content of the prior art; ascertaining the differences between the prior art and the claims that are at issue; resolving the level of ordinary skill in the pertinent art; and evaluating any evidence of secondary considerations (e.g., commercial success; unexpected results). 383 U.S. 1, 17, 148 USPQ 459, 467 (1966). Second, the Examiner has to provide some rationale for determining obviousness, wherein M.P.E.P. § 2143 set forth some rationales that were set established in the recent decision of *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d

1385 (U.S. 2007). Here, the Examiner has not appropriately resolved the *Graham* factors, including ascertaining the differences between the prior art and the claims that are at issue, and the rationale in combining the cited references is improper.

Combining known prior art elements is not sufficient to render the claimed invention obvious if the results would not have been predictable to one of ordinary skill in the art. *United States v. Adams*, 383 U.S. 39, 51-52, 148 USPQ 479, 483-84 (1966); *see also* M.P.E.P. § 2143.

The rationale should be made explicit, *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007), and the Examiner must interpret the reference as a whole and cannot pick and choose only those selective portions of the reference which support the Examiner's position. *In re Fine*, 837 F.2d 1071, 1075 (Fed. Cir. 1988) ("One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to depreciate the claimed invention.").

The Nonobviousness of the Combination of the Cited References

The present invention is directed to, for example, a method of obtaining security and audit ability in an on-line system (claim 62), a secure and auditable on-line system (claim 75), a device for providing security and audit ability in an on-line system (claim 89), and a computer program product for obtaining security and audit ability in an on-line system (claim 90).

In the Office Action, the Examiner cites the primary reference Goldman U.S. '708 in combination with the secondary references (i.e., Kccsee U.S. '620, Muir WO '104 and Szrek U.S. '251).

However, the primary reference Goldman U.S. '708 fails to disclose or suggest a method, system and a computer program product, etc. are employed in an on-line system.

Furthermore, claim 62 has been amended by incorporating the features of claim 63 and “a customer-id” from claim 65. None of the cited references discloses and suggests a customer-id. It is noted that Szrek U.S. '251, which is cited against claim 65 in the Office Action, also fails to disclose or suggest the use of a customer ID in the meaning of the present invention.

Further, the Szrek U.S. '251 relates to an apparatus and a method for securely determining an outcome from multiple random event generators. On the other hand, the present invention relates to an on-line gaming system wherein auditability is secured by creating an authentic random number-sequence number pair in order to prevent players from manipulating the results. Thus, Szrek U.S. '251 does not give any motivation for one skilled in the art to arrive at the claimed invention since the reference is irrelevant to an auditable on-line gaming system.

Therefore, there is no reasonable expectation and rationale based on the combination of the cited references for one skilled in the art to arrive at the claimed invention. The claimed invention is not obvious over the cited references.

Based on the foregoing explanation, Applicants respectfully request that the Examiner withdraw the rejections.

CONCLUSION

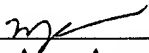
Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims are allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Toyohiko Konno (Reg. No. L0053) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 
MaryAnne Armstrong
Registration No.: 40,069
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant